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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
AURELIO JOSE VEGA-CANO,  
  
Defendant.

CASE NO. 1:97-CR-5295 LJO  
MOTION TO DISMISS INDICTMENT; ORDER

The United States of America (“the government”), by and through Benjamin B. Wagner, United States Attorney and Mia A. Giacomazzi, Assistant United States Attorney, hereby moves this Court for permission to dismiss without prejudice the indictment in the in Case No. 1:97-CR-5295.

Good cause exists to dismiss without prejudice the indictment in the interest of justice, and pursuant to Fed. R. Crim. P. 48(a), for the following reasons: This action has remained pending without activity for over ten years. Because of the long period of non-activity, this case is presumed to be no longer viable. Additionally, the gravity of the offense does not justify continued efforts to prosecute. For these reasons, the government moves for dismissal of the indictment against the defendant.

Dated: June 5, 2015.

BENJAMIN B. WAGNER  
United States Attorney

/s/ Mia A. Giacomazzi  
MIA A. GIACOMAZZI  
Assistant United States Attorney

**ORDER**

On the basis of good cause, to serve the interest of justice, pursuant to the government's motion and Fed. R. Crim. P. 48(a), the indictment in Case Number 1:97-CR-5295 shall be DISMISSED without prejudice. The clerk of court is directed to close this case.  
IT IS SO ORDERED.

Dated: **June 5, 2015**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE